

The information is also available in Anacom's Internet website in:

<http://www.anacom.pt/template31.jsp?categoryId=267062>

Determination of 17.1.2008

**DETERMINATION ON THE
LIMITATION OF FREQUENCY USAGE RIGHTS TO BE ALLOCATED FOR THE
PROVISION OF THE LAND MOBILE SERVICE IN THE 450 – 470 MHz BAND
DEFINITION OF THE RESPECTIVE ALLOCATION PROCEDURE AND POSSIBILITY
OF LMS PROVISION OVER THE SAME BAND BY THE PROVIDERS OF THE
TRUNKING MOBILE SERVICE**

By determination of the Board of Directors of Instituto das Comunicações de Portugal – Autoridade Nacional de Comunicações (ICP-ANACOM) of 4 October 2007, taken pursuant to the assignments set forth in points c) and f) of article 6 of its Statutes, as approved by Decree-Law no 309/2001 of 7 December, in the pursuit of its objectives of regulation as set out in article 5 of Law no 5/2004 of 10 February (hereinafter LCE), in particular in point a) of paragraph 1 of said article 5 and pursuant to articles 8, 15, 16, 20 and 31 of the same Law, adopted the following draft decision:

- « 1. *To limit to one the number of frequency usage rights to be allocated in the 450 – 470 MHz frequency band for the provision of the publically available Land Mobile Service.*
2. *To define the procedure for allocating the frequency usage right above as being by public tender.*
3. *To set out the allocation of individual frequency usage rights in the 450 – 470 MHz frequency band for the provision of the publically available LMS at the request of providers of the Mobile Trunking Service (MTS) and under the terms of the tender set forth in the point above, without prejudice to compliance by the MTS operators with determinations issued by ICP-ANACOM in respect of the present procedures.*
4. *To amend the National Frequency Allocation Plan accordingly.*

5. *To set a period of 20 working days during which interested parties may respond in writing in accordance with the general consultation procedure to which the present draft decision is subject, while the information considered confidential should be expressly identified as such. »*

Following the period of the general consultation procedure, the responses received were analysed and the corresponding report drawn up as contained in annex 1.

Accordingly, the Board of Directors determines, pursuant to the assignments set forth in points c) and f) of article 6 of its Statutes, as approved by Decree-Law no 309/2001 of 7 December, in the pursuit of its objectives of regulation as set out in article 5 of Law no 5/2004 of 10 February, in particular in point a) of paragraph 1 of said article 5 and pursuant to articles 8, 15, 16, 20 and 31 of the same Law, the following:

- a) To approve, under the terms and with the bases therein, the final report on the general consultation procedure;
- b) To approve, accordingly, the following decision:
 1. To limit to one the number of frequency usage rights to be allocated in the 450 – 470 MHz frequency band for the provision of the publically available Land Mobile Service;
 2. To define the procedure for allocating the frequency usage right above as being by public tender;
 3. To permit the providers of the Mobile Trunking Service (MTS), by way of the amendment of the respective authorisation titles and at their request, to supply the publically available LMS in the 450-470 MHz frequency band upon completion of the tender set out in the previous point, without prejudice to compliance by the MTS operators with determinations issued by ICP-ANACOM in respect of the present procedures.
 4. To amend the National Frequency Allocation Plan accordingly.